

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

TERRENCE SHEPHERD,

Plaintiff,

v.

Civil Action No: 1:13-13757

WILLIAM GOODE, et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER**

By Standing Order, this matter was referred to United States Magistrate Judge R. Clarke VanDervort for submission of findings and recommendations regarding disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge VanDervort submitted to the court his Proposed Findings and Recommendation on April 15, 2014 in which he recommended that the district court grant the United States' motion to substitute (Doc. No. 17) and refer this matter back to him for further proceedings.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation. The failure to file such objections constitutes a waiver of the right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

The parties failed to file any objections to the Magistrate Judge's Findings and Recommendation within the seventeen-day period. Notably, in plaintiff's response to the motion to substitute, he stated that he had no objection to the motion. Doc. No. 19. Having reviewed the Findings and Recommendation filed by Magistrate Judge VanDervort, the court adopts the findings and recommendation contained therein.

The court GRANTS the United States' motion to substitute (Doc. No. 17). The United States is substituted for defendants William Goode, Carl Hill, Karen P. Hogsten, and Hippilto Matos with respect to plaintiff's tort claims. The court REFERS this matter back to Magistrate Judge VanDervort for further proceedings.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to plaintiff, pro se, and all counsel of record.

It is SO ORDERED this 6th day of June, 2014.

ENTER:

David A. Faber

David A. Faber  
Senior United States District Judge